

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 11/15/2012

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Invoking letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke CB&S Bank Letter of Credit No. 555579 for Anslee Farms Phase 1-A Subdivision.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 11-7-12

RESOLUTION NO. 12-\_\_\_\_\_

WHEREAS, CB&S Bank issued a certain letter of credit (No. 555579), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to CB&S Bank Letter of Credit No. 555579, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 15th day of November, 2012.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 15th day of November, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama



S/w ext

IRREVOCABLE LETTER OF CREDIT NO. 555579

Beneficiary:

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

Account Party:

WP Madison Investments, LLC  
401 E Tuscaloosa St  
Florence, AL 35630

Bank:

CB&S Bank  
200 South Jackson Ave  
Russellville, AL 35653

Place of Presentment/Expiry:

CB&S Bank  
521 Madison St SE  
Huntsville, AL 35801

Subject: Article 5 Sidewalks / Anslee Farms, Phase 1-A a Resubdivision of Tract A, Anslee Farms, Phase "1"  
Amount: \$162,000.00  
Issue Date: November 26, 2010  
Exp. Date: November 25, 2012

MS  
1/12/11

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective November 26, 2010, for Sum not to exceed the aggregate of \$162,000.00. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to CB&S Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

This Letter of Credit shall be governed by the Laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

CB&S Bank


By: \_\_\_\_\_

Tonya Bell  
Senior Vice President

OK  
CED  
2/9/11

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710

Member FDIC

 Equal Housing Lender

OK KCA  
2/18/11

Anslee Farms Phase 1-A  
sidewalks  
etc



**CB&S Bank**

*Banking the way it should be.*

200 Jackson Ave , P.O. Box 910  
Russellville, AL 35653  
Phone: 256-332-1710 Fax: 256-718-4701

Date: August 21, 2010

L/C Number # 555547  
Amendment # 1

**Beneficiary:**

City of Huntsville  
308 Fountain Circle  
P.O. Box 308  
Huntsville, AL 35801

**Account Party:**

SSI Madison, LLC  
5111 Maryland Way Suite 201  
Brentwood, TN 37027

MS  
10/4/10

We have amended the captioned letter of credit at the request of the Account Party.

11/25/12

Amended Terms and Conditions:

Expiration Date Amended to: August 21, 2011

Account Party's Name and Address now Reads:

SSI Madison, LLC  
5111 Maryland Way Suite 201  
Brentwood, TN 37027

This Amendment must be attached to and become an integral part of the original credit.  
All other terms and conditions remain unchanged.

Sincerely,

Tonya Bell, Senior Vice President

OK IMB 10/6/10  
GULICA 10/7/10

OK  
CE/8  
11/25/12



Sw  
ht

IRREVOCABLE LETTER OF CREDIT NO. 555547

**Beneficiary:**  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**  
SSI Madison, LLC  
5111 Maryland Way Suite 201  
Brentwood, TN 27027

**Bank:**  
CB&S Bank  
200 South Jackson Ave  
Russellville, AL 35653

**Place of Presentment/Expiry:**  
CB&S Bank  
4009 University Drive NW  
Huntsville, AL 35816

**Subject:** Article 5 Sidewalks / Letter of credit for Anslee Farms Phase 1-A a Re Subdivision of Tract A Anslee Farms Phase I  
**Amount:** \$162,000.00  
**Issue Date:** August 21, 2009  
**Exp. Date:** August 21, 2010

MS  
9/2/09  
OK DMB  
9/4/09

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective August 21, 2009, for sum not to exceed the aggregate of \$162,000.00. Available by your one or more drafts at SIGHT on us.

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CB&S Bank

By:   
Daryn Russell  
Senior Vice President  
Metro Division President

OK  
CEH  
9/4/09

OK  
9/4/09